

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ALCOA WORLD ALUMINA LLC

Criminal No.

14-7

**INFORMATION MEMORANDUM**

AND NOW comes the United States of America, by Jeffrey H. Knox, Chief, Fraud Section, Criminal Division, Department of Justice, Adam G. Safwat, Deputy Chief, Fraud Section, David J. Hickton, United States Attorney for the Western District of Pennsylvania, and Stephen R. Kaufman, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

**I. THE INFORMATION**

A one-count Information was filed against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Violation of the Foreign Corrupt Practices Act In or around March 2004 through in or around December 2009	15 U.S.C. §78dd-2 and 18 U.S.C. § 2

## **II. ELEMENTS OF THE OFFENSE**

### **As to Count 1:**

In order for a violation of the Foreign Corrupt Practices Act (15 U.S.C. § 78dd-2 and 18 U.S.C. § 2) to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

- (1) The defendant is a “domestic concern”;
- (2) The defendant, acting through its officers, directors, employees, or agents, acted corruptly and willfully;
- (3) The defendant, acting through its officers, directors, employees or agents, made use of the mails or any means or instrumentality of interstate commerce in furtherance of an unlawful act under this statute;
- (4) The defendant, acting through its officers, directors, employees or agents, offered, paid, promised to pay, or authorized the payment of money, a gift or of anything of value;
- (5) The payment, gift or thing of value was to a foreign official or to any person, while the defendant knew that all or a portion of the payment, gift or thing of value would be offered, given, or promised, directly or indirectly, to a foreign official;
- (6) The payment was for one of four purposes:
  - (a) to influence any act or decision of the foreign official in his official capacity;
  - (b) to induce the foreign official to do or omit to do any act in violation of that official’s lawful duty;
  - (c) to induce that foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality; or
  - (d) to secure any improper advantage; and
- (7) The payment was made to assist the defendant in obtaining or retaining business for or with, or directing business to, any person.

### **III. PENALTIES**

**As to Count 1: Violation of the Foreign Corrupt Practices Act (15 U.S.C. § 78dd-2 and 18 U.S.C. § 2):**

1. A fine of \$2,000,000 or twice the gross pecuniary gain or gross pecuniary loss resulting from the offense, whichever is greatest (18 U.S.C. § 3571(c)(3) and (d));
2. A term of probation of up to five (5) years (18 U.S.C. § 3561(c)(1)).

### **IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$400.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013(a)(2)(B).

### **V. RESTITUTION**


Not applicable in this case.

**VI. FORFEITURE**

The parties have agreed that the Defendant will administratively forfeit to the Internal Revenue Service the sum of \$14,000,000.

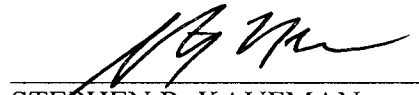
Respectfully submitted,

JEFFREY H. KNOX  
Chief, Fraud Section  
Criminal Division  
Department of Justice



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